

United States District Court Violation Notice

(Rev. 1/2019)

Location Code A41	Violation Number FBEA00P3	Officer Name Shelton	Officer No. 2234
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YOU ARE CHARGED WITH THE FOLLOWING VIOLATION

Date and Time of Offense 01/31/2022 11:30	Offense Charged FED 36CFR 261.6A	<input type="checkbox"/> CFR <input type="checkbox"/> USC <input type="checkbox"/> State Code
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Place of Offense

NFSR 9598E

Offense Description: Factual Basis for Charge

HAZMAT ☐**CUT, DAMAGE TREE OR FOREST PRODUCT WITHOUT AUTHORIZATION**

DEFENDANT INFORMATION

Phone: (928)

Last Name HUNT	First Name BYRON	M.I. J
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Street Address

City HEBER	State AZ	Zip Code 85928	Date of Birth (mm/dd/yyyy) 1981
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Drivers License No.	CDL <input type="checkbox"/>	D.L. State AZ	Social Security No.
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<input checked="" type="checkbox"/> Adult <input type="checkbox"/> Juvenile	Sex <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	Hair BR	Eyes GR	Height 5'10"	Weight 192
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VEHICLE	VIN: -	CMV <input type="checkbox"/>
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Tag No.	State AZ	Year 1997	Make/Model DODG	PASS <input type="checkbox"/>	Color RED
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APPEARANCE IS REQUIRED

APPEARANCE IS OPTIONAL

A <input checked="" type="checkbox"/> If Box A is checked, you must appear in court. See instructions.	B <input type="checkbox"/> If Box B is checked, you must pay the total collateral due or in lieu of payment appear in court. See instructions.
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PAY THIS AMOUNT AT
www.cvb.uscourts.gov

Forfeiture Amount

\$30.00

Processing Fee

Total Collateral Due

YOUR COURT DATE

(If no court appearance date is shown, you will be notified of your appearance date by mail.)

Court Address U.S. District Court - Flagstaff, AZ (928) 744-2566 123 N. San Francisco Street, Ste 200 Flagstaff, AZ	Date (mm/dd/yyyy) 02/16/2022 Time (hh:mm) 09:00
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My signature signifies that I have received a copy of this violation notice. It is not an admission of guilt. I promise to appear for the hearing at the time and place instructed or in lieu of appearance pay the total collateral due.

X Defendant Signature

Officer's Copy (Pink)

STATEMENT OF PROBABLE CAUSE

(For issuance of an arrest warrant or summons)

I state that on January 31, 2022 while exercising my duties as a law enforcement officer in the Arizona District of AZ

Pursuant to 16USC 551: at approximately 1130 hours, United States Forest Service (USFS) Officer ROPER, USFS Special Agent ROBINSON and I responded to a report of two subjects illegally cutting live/green juniper trees along National Forest System Road (NFSR) 9598E on the Black Mesa Ranger District, Sitgreaves National Forest, Navajo County, AZ. Upon arrival, I observed a large green alligator juniper cut down with a Stihl MS310 Chainsaw sitting on the fresh cut stump and two subjects actively engaged in removal activities of the juniper pieces. A red 1997 Dodge 2500 pickup bearing AZ license plate with attached flatbed trailer was backed up to the freshly cut down juniper. I contacted both subjects identified as Byron HUNT and Diana BUSCH with their AZ driver's license information. I asked them if they had a firewood permit and if he had been issued a firewood permit in the past. HUNT said he had a permit but did not have his permit with him, it was at his house. HUNT said he has had several wood cutting permits in the past. I asked whose saw was sitting on the stump. BUSCH said the Stihl MS310 was hers. HUNT said he also used his Stihl MS 440 chainsaw to cut the juniper and handed it to me. I asked them what they were going to use the juniper for. HUNT said, "for personal use for firewood". HUNT said he knew it was wrong. SA ROBINSON and I measured the approximate dimensions of the alligator juniper as follows: Length from base cut to top cut is 23ft 6in; Base width at cut is 3ft x 3.5 ft (caliper inch: 36in x 42in). There were several cut rounds on the ground that had already been cut from the top. Witness who held the areas commercial permit observed HUNT and BUSCH cutting the alligator juniper that day along with HUNT & BUSCH cutting and removing other trees from that commercial permit area along NFSR 9598E the previous weekend. According to USFS Timber Staff the estimated value of the alligator Juniper was \$366.61 for purchase of a fuelwood permit valuation at 2.25 cords. According to the most current 2011 Arizona State Native Plant current fair market value list, the value would be for the maximum listed at 20-24 caliper inch-all other trees at \$3,600.00 (See Resource Value Estimate Report and Incident Report#22-03-MBEA191) I issued HUNT and BUSCH each mandatory appearance violation notices for:

36 CFR 261.6(a) - CUT, DAMAGE TREE OR FOREST PRODUCT WITHOUT AUTHORIZATION

The foregoing statement is based upon:

MY PERSONAL INVESTIGATION

I declare under penalty of perjury that the information which I have set forth above and on the face of this violation notice is true and correct to the best of my knowledge.

Executed on: 01/31/2022 R. Shelton
Date (mm/dd/yyyy) Officer's Signature

☒ Probable cause has been stated for the issuance of a warrant.
Executed on: 2/16/2022 Chadley
Date (mm/dd/yyyy) U.S. Magistrate Judge

HAZMAT = Hazardous material involved in incident; PASS = 9 or more passenger vehicle;
CDL = Commercial drivers license; CMV = Commercial vehicle involved in incident

22-04082-MJ-01-PCT-CDB

United States District Court Violation Notice

(Rev.1/2019)

Location Code A41	Violation Number FBFA00P5	Officer Name Shelton	Officer No. 2234
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YOU ARE CHARGED WITH THE FOLLOWING VIOLATION

Date and Time of Offense 01/31/2022 11:30	Offense Charged FED 36CFR 261.10L	<input type="checkbox"/> CFR <input type="checkbox"/> USC <input type="checkbox"/> State Code
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Place of Offense NFSR 9598E

Offense Description: Factual Basis for Charge HAZMAT <input type="checkbox"/>
VIOLATIONS OF TERMS OR CONDITIONS OF FOREST PRODUCTS PERMIT

DEFENDANT INFORMATION

Last Name HUNT		First Name BYRON	M.I. J
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Street Address			
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City HEBER	State AZ	Zip Code 85928	Date of Birth (mm/dd/yyyy) 31
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Drivers License No. CDL <input type="checkbox"/> D.L. State AZ	Social Security No.
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<input checked="" type="checkbox"/> Adult <input type="checkbox"/> Juvenile	Sex <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	Hair BR	Eyes GR	Height 5' 10"	Weight 192
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VEHICLE

Tag No.	State AZ	Year 1997	Make/Model DODG	PASS <input type="checkbox"/>	Color RED
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APPEARANCE IS REQUIRED	APPEARANCE IS OPTIONAL
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A <input checked="" type="checkbox"/> If Box A is checked, you must appear in court. See instructions.	B <input type="checkbox"/> If Box B is checked, you must pay the total collateral due or in lieu of payment appear in court. See instructions.
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PAY THIS AMOUNT AT www.cvb.uscourts.gov	Forfeiture Amount \$30.00
	Processing Fee
Total Collateral Due	

YOUR COURT DATE

(If no court appearance date is shown, you will be notified of your appearance date by mail.)

Court Address U.S. District Court - Flagstaff, AZ (928) 744-2566 123 N. San Francisco Street, Ste 200 Flagstaff, AZ	Date (mm/dd/yyyy) 02/16/2022 Time (hh:mm) 09:00
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X Defendant Signature

Officer's Copy (Pink)

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(For issuance of an arrest warrant or summons)

I state that on January 31, 2022 while exercising my duties as a law enforcement officer in the Arizona District of AZ

Pursuant to 16USC 551: at approximately 1130 hours, United States Forest Service (USFS) Officer ROPER, USFS Special Agent ROBINSON and I responded to a report of two subjects illegally cutting live/green juniper trees along National Forest System Road (NFSR) 9598E on the Black Mesa Ranger District, Sitgreaves National Forest, Navajo County, AZ. Upon arrival, I observed a large green alligator juniper cut down with a Stihl MS310 Chainsaw sitting on the fresh cut stump and two subjects actively engaged in removal activities of the juniper pieces. A red 1997 Dodge 2500 pickup bearing AZ license plate with attached flatbed trailer was backed up to the freshly cut down juniper. I contacted both subjects identified as Byron HUNT and Diana BUSCH with their AZ driver's license information. I asked them if they had a firewood permit and if he had been issued a firewood permit in the past. HUNT said he had a permit but did not have his permit with him, he said it was at his house. HUNT said he has had several wood cutting permits in the past. I asked whose saw was sitting on the stump. BUSCH said the Stihl MS310 was hers. HUNT said he also used his Stihl MS 440 chainsaw to cut the juniper and handed it to me. I asked them what they were going to use the juniper for. HUNT said, "for personal use for firewood". HUNT said he knew it was wrong. SA ROBINSON and I measured the approximate dimensions of the alligator juniper as follows: Length from base cut to top cut is 23ft 6in; Base width at cut is 3ft x 3.5 ft (caliper inch: 36in x 42in). There were several cut rounds on the ground that had already been cut from the top. Witness who held the areas commercial permit observed HUNT and BUSCH cutting the alligator juniper that day along with HUNT & BUSCH cutting and removing other trees from that commercial permit area along NFSR 9598E the previous weekend. According to USFS Timber Staff the estimated value of the alligator Juniper was \$366.61 for purchase of a fuelwood permit valuation at 2.25 cords. According to the most current 2011 Arizona State Native Plant current fair market value list, the value would be for the maximum listed at 20-24 caliper inch-all other trees at \$3,600.00 (See Resource Value Estimate Report and Incident Report#22-03-MBEA191). According to LEO LOPEZ who is assigned to the Black Mesa District, HUNT and BUSCH have a criminal history of forest products violations. I issued HUNT and BUSCH each mandatory appearance violation notices for:

36 CFR 261.6(L) - VIOLATIONS OF TERMS OR CONDITIONS OF FOREST PRODUCTS PERMIT

The foregoing statement is based upon:

MY PERSONAL OBSERVATION

I declare under penalty of perjury that the information which I have set forth above and on the face of this violation notice is true and correct to the best of my knowledge.

Executed on: 01/31/2022 R. Shelton
Date (mm/dd/yyyy) Officer's Signature

☐ Probable cause has been stated for the issuance of a warrant.

Executed on: _____
Date (mm/dd/yyyy) U.S. Magistrate Judge

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